

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT MERCER,

Plaintiff,

-against-

WESTCHESTER MEDICAL CENTER,

Defendant.

22-CV-7134 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On December 16, 2022, the Court received from Plaintiff a “Motion to dismiss for lack of statutory standing” in which Plaintiff asks the Court to dismiss this action “for lack of statutory standing” and states that the complaint “does not have the statutory strength to win this case.” (ECF 5.) The Court construes Plaintiff’s submission as a motion for voluntary dismissal under Rule 41(a) of the Federal Rules of Civil Procedure. The Court grants Plaintiff’s request. The Court dismisses this action without prejudice under Fed. R. Civ. P. 41(a).

CONCLUSION

This action is voluntarily dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a). All other pending matters in this case are terminated. This order closes this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 25, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge